



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,409	02/27/2002	Masaya Nagata	1248-0580P-SP	7393

2292 7590 01/28/2008
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

SHEIKH, ASFAND M

ART UNIT	PAPER NUMBER
----------	--------------

3627

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

01/28/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/083,409

Applicant(s)

NAGATA, MASAYA

Examiner

Asfand M. Sheikh

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 15 is/are pending in the application.
- 4a) Of the above claim(s) 2-14 and 16-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/23/02, 6/26/02, and 3/02/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Art Unit: 3627

DETAILED ACTION

Election/Restrictions

Claims 3-14 and 16-29 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species 1-12, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 12/28/2007

Response to Arguments

Applicant's arguments filed 12/28/2007 have been fully considered but they are not persuasive.

The examiner notes that claims 3-14 and 16-29 would require additional searches due to the additional features found in the claims (as listed in the, requirement for election/restriction mailed on 11/29/2007). The examiner notes that a statement being made by the applicant stating that claims 3-14 and 16-29 are not patentably distinct with respect to claims 1, 2, and 15 would lead to a removal of the restriction requirement. As so, a search for claims 1, 2 and 15 would also encompass a search for claims 3-14 and 16-29.

Art Unit: 3627

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35

U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, and 15 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Art Unit: 3627

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Sekiazwa (US 6,430,711 B1)

Claim 1 and 15

Sekizawa teaches registering unique data to specify each product-in-circulation delivered to a service receiver (see at least, col. 2, line 63 - col. 3, line 21: the examiner notes printers are attached to a network and FIG. 13: the examiner notes specific printer name(s)) and expiring date data of the product-in-circulation in a terminal (see at least, col. 3, lines 44-59: the examiner notes time of an ink purchase to be an expiring date); detecting use of the product-in-circulation used by a service receiver via a network (see at least, col. 3, lines 44-59: the examiner notes a local monitor); recognizing the use

Art Unit: 3627

as a purchase action (see at least, col. 3, lines 44-59: the examiner notes time of an ink purchase to be an expiring date); calculating an account of a product-in-circulation recognized as the purchase action, out of products-in-circulation delivered to the service receiver, in accordance with the expiring date data of the product-in-circulation (see at least, col. 3, lines 44-59: the examiner notes time of an ink purchase to be an expiring date and further would be delivered before the expiration of ink).

Art Unit: 3627

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiazwa (US 6,430,711 B1) in view of Examiner's Official Notice.

Claim 2

The examiner notes that Sekiazwa is silent with respect to further comprising the step of outputting an instruction to collect an unused product-in-circulation of all products-in-circulation delivered to the service receiver, after a prescribed duration.

The examiner takes Official Notice that it is old and well known in the arts for a service receiver (e.g. repair/service agent) to collect the unused portion of a consumable (e.g. toner cartridge) to dispose of after service due to the fact that it

Art Unit: 3627

would be cumbersome for the customer to have to deal with an partially used consumable.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Sekiazwa to include for a service receiver (e.g. repair/service agent) to collect the unused portion of a consumable (e.g. toner cartridge) to dispose of after service as taught by the Examiner's Official Notice. One of ordinary skill in the art would have been motivated to combine the teachings in order to make it easier for a for a customer to not have to deal with an partially used consumable and disposing of it.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571)272-1466. The examiner can normally be reached on M-F 8a-4:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/ Supervisory Patent Examiner, Art Unit 3627	Asfand M Sheikh Examiner Art Unit 3627
--	--

/Asfand M Sheikh/
Examiner, Art Unit 3627

1/18/2008